



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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To: Monroe County Planning Commission
From: Julianne Thomas, Planner
Through: Townsley Schwab, Acting Director of Planning & Environmental Resources *TS*
Date: December 20, 2007
Subject: *Request for a Buffer-yard Variance*
Ocean Sunrise Associates, LLC; Key Largo, RE numbers 00554420.000000, 00554670.000000, 00554700.000000, 00554730.000000 & 00554740.000000
Approximate Mile Marker 97.5

MEETING DATE: January 8, 2008

I REQUEST:

A. Proposal: The project site has three (3) land use district designations which require buffer-yards. The applicant is requesting a variance to allow the required amount of buffer-yard planting to be planted around the perimeter and throughout the project site instead of along the actual district boundaries in order to allow for cohesive development and flow of the project site.

B. Location:

1. Island & Mile Marker: Key Largo, MM 97.5
2. Legal Description: Mandalay, PB1-194, Key Largo Lots 1-8 & 30-33, Part Square 3 including but not limited to NE 30' of the SW 225' and SW'LY 125' x 250' & NW'LY 95' of NE'LY 100' of SW'LY 225' & Adjacent Bay Bottom
3. RE Number (s): 00554420.000000, 00554670.000000, 00554700.000000, 00554730.000000 & 00554740.000000

C. Applicant:

1. Owner: Ocean Sunrise Associates, LLC
2. Agent: Donna Bosold for the Craig Company

II PROCESS:

Pursuant to Sec. 9.5-524 of the Monroe County Code (MCC), the Planning Commission is authorized to grant variances for the reduction of non-shoreline setback requirements for front, side and rear yard setbacks.

The variance application shall be heard at a regularly scheduled meeting of the Planning Commission. Notice, posting and hearing requirements shall be in accordance with MCC Sec. 9.5-524. The Planning Commission's decision shall be in accordance with MCC Sec. 9.5-4. Except for the special accessibility setback variance provided for in MCC Sec. 9.5-523(g), a variance shall only be granted if the standards in MCC Sec. 9.5-523(g) are met.

III RELEVANT PRIOR COUNTY ACTIONS:

On November 14, 2007, the Monroe County Board of County Commissioners (BOCC) approved a development agreement which contained conceptual approval of this redevelopment as well as giving two (2) permanent market rate ROGO exemptions and eight (8) transient ROGO exemptions to Monroe County, as well as deeding 0.57 acres of land to Monroe County for use as open space or non-structural recreational use pursuant. The transfer of these units and title to the property will occur upon approval of this conditional use permit. A resolution number has not yet been assigned.

IV BACKGROUND INFORMATION:

A. Size of Site: Acres
3.29 Acres
(143,312.4 SF)

B. Land Use Districts:
Mixed Use (MU),
Urban Residential
(UR), Sub Urban
Commercial (SC)

C. Future Land Use
Map (FLUM)
Designation: Mixed
Use/Commercial
(MC), Residential
High (RH)

D. Tier Designation: III

E. Existing Vegetation
/ Habitat: Scarified

F. Community
Character of
Immediate Vicinity:
The area is a

mixture of single family homes, gated residential communities, and a few commercial establishments. The Mariners Club, a gated community, is to the West. To the East are a Marina, a dive shop, and single family homes. To the North is Shell World, a large commercial retail space. To the South is the Atlantic Ocean.



V REVIEW OF APPLICATION:

Due to the changes in Land Use Designations throughout the project site, bufferyards are required by the MCC in the interior of the development. The applicant has requested that the development plant the required number of trees and shrubs along the perimeter and throughout the project site in order to be able to develop the site cohesively.

The minimum required planting for a district boundary buffer between both SC & MU and UR is a class C buffer. The amount of plantings required based on the minimum buffer yard size for these two bufferyards are sixteen (16) canopy trees, six (6) understory trees and twenty (20) shrubs.

A Class B major street buffer will be required along US-1. The plantings for a twenty foot buffer along the project site would be one (1) canopy tree, one (1) understory tree, and five (5) shrubs.

Pursuant to MCC § 9.5-523(f), the Planning Commission may grant a variance if the applicant demonstrates that all of the following standards are met:

A. *The applicant demonstrates a showing of good and sufficient cause;* In Compliance

If this variance is not approved, the applicant will not be able to develop the site cohesively. Allowing cohesive development and ability to create a reasonable traffic and pedestrian flow through the site is good and sufficient cause.

B. *Failure to grant the variance would result in exceptional hardship to the applicant;*

Failure to grant this variance does not result in exceptional hardship as defined by the Monroe County Code.

C. *Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;* In Compliance

D. *The property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;* In Compliance

This property is very unique as the site has separate land use designations which require bufferyards. This is unusual, and granting this variance will allow the owners to utilize and develop the project site efficiently and cohesively.

E. *Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns;* In Compliance

F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family;* In Compliance

1 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*
2 *family; In Compliance*

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4 H. *The variance is the minimum necessary to provide relief to the applicant.*

5 Staff notes that there is no reduction requested in the number of trees and shrubs
6 required, only that the applicant be permitted to plant the required trees and shrubs
7 throughout the site and along the perimeter instead of along the specific district
8 boundary lines. For this reason, staff agrees that the applicant's request is the
9 minimum necessary to provide relief to the applicant.

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11 VI RECOMMENDATION:

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13 Staff recommends APPROVAL to the Planning Commission with the following
14 conditions:

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16 1. The Landscaping shall comply with the guidelines set forth in §8.d of the
17 Development Agreement approved by the Board of County
18 Commissioners on November 14, 2007; and
19 2. The minimum required planting for the Class B buffer along US-1 will be
20 planted along US-1 in order to provide for the major street buffer; and
21 3. Prior to the issuance of any building permit, the applicant will submit
22 signed and sealed landscape plans showing the appropriate buffers and
23 plantings for the site. The required planting is shown in the table below:
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	Canopy Trees	Understory Trees	Shrubs	Parking SF
Street Trees	22			
Major Street (B)	2	1	8	
Bufferyard MU/UR (C)	6	3	23	
Bufferyard UR/SC (C)	4	2	16	
Bufferyard UR/SC (C)	12	5	48	
Parking Lot (A) (39)	8	2	20	2,438
Parking Lot (C) (73)	6		15	1,307
TOTAL	60	13	130	3,745